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RE: OFFICIAL PAPER  
TO: Examiner J. Kading  
U.S. Patent and Trademark Office  
GAU: 2661  
PHONE: 703-305-0342  
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FROM: Eugene J. Rosenthal  
Reg. No. 36,658  
Lucent Technologies Inc.

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DATE: August 10, 2004  
Pages (Incl. Cover): 6

Re: AMENDMENT  
Case No.: W. J. Rowe 1  
Ser. No.: 09/660027  
File Date: September 12, 2000  
Title: Cable Modem Termination System For  
Upstream Frequency Band

Certification of Facsimile Transmission

I hereby certify that this correspondence (and any paper referred to as being transmitted therewith) is being facsimile transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on the date indicated below:

Aug. 10, 2004  
Date

  
SHARON LOBOSCO

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

William J Rowe

CASE 1

Serial No. 09/660027

Group Art Unit 2661

Filed September 12, 2000

Examiner J. Kading

Title Cable Modem Termination System For Upstream Frequency Band

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

SIR:

Enclosed is an amendment in the above-identified application.

NO ADDITIONAL FEE REQUIRED

In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit Deposit Account No. 12-2325 as required to correct the error.

Respectfully,



Eugene J. Rosenthal, Attorney  
Reg. No. 36658  
732-949-1857.

Date: August 10, 2004

Docket Administrator (Room 3J-219)  
Lucent Technologies Inc.  
101 Crawfords Corner Road  
Holmdel, NJ 07733-3030

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Serial No. 09/660,027

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IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

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## Patent Application

Inventor(s): William J. Rowe

Case: 1

Serial No.: 09/660,027

Group Art Unit: 2661

Filed: September, 12, 2000

Examiner: J. A. Kading

Title: Cable Modem Termination System For Upstream Frequency Band

COMMISSIONER FOR PATENTS

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SIR:

RESPONSE

This communication is in response to the Office Action dated May 12, 2004.

Remarks

Claim 8 remains pending in the application.

Claim 8 was rejected under 35 U.S.C. 103 (a) in view of WO 00/28712, hereinafter Jones et al. The Office Action states that Jones et al. teaches all the elements of claim 8, except for reducing the prescribed period of time and repeating the searching step when the searching step failed to find a channel with an acceptable noise level over the prescribed period. However, the Office Action further states that Jones et al. teaches that when the searching step failed to find a channel with an acceptable noise level over the prescribed period, the steps of reducing the specified bandwidth and repeating the searching step should be performed. However, suggests the Office Action, the step of reducing the prescribed period would be obvious from the step of reducing the bandwidth by Jones et al., since changing a search parameter is mere design choice.

Applicant respectfully disagrees and traverses this ground of rejection for the following reasons.